

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0165-04
Bill No.: Truly Agreed To and Finally Passed CCS for SCS for SB 36
Subject: Juvenile Courts; Courts; Children and Minors
Type: Original
Date: May 29, 2013

Bill Summary: This proposal modifies provisions related to juvenile offenders who have been certified as adults and found guilty in a court of general jurisdiction.

FISCAL SUMMARY

| ESTIMATED NET EFFECT ON GENERAL REVENUE FUND | | | |
|---|------------|------------|------------|
| FUND AFFECTED | FY 2014 | FY 2015 | FY 2016 |
| | | | |
| | | | |
| Total Estimated Net Effect on General Revenue Fund | \$0 | \$0 | \$0 |

| ESTIMATED NET EFFECT ON OTHER STATE FUNDS | | | |
|---|------------|------------|------------|
| FUND AFFECTED | FY 2014 | FY 2015 | FY 2016 |
| | | | |
| | | | |
| Total Estimated Net Effect on <u>Other</u> State Funds | \$0 | \$0 | \$0 |

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 5 pages.

| ESTIMATED NET EFFECT ON FEDERAL FUNDS | | | |
|---|------------|------------|------------|
| FUND AFFECTED | FY 2014 | FY 2015 | FY 2016 |
| | | | |
| | | | |
| Total Estimated Net Effect on <u>All</u> Federal Funds | \$0 | \$0 | \$0 |

| ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE) | | | |
|---|----------|----------|----------|
| FUND AFFECTED | FY 2014 | FY 2015 | FY 2016 |
| | | | |
| | | | |
| Total Estimated Net Effect on FTE | 0 | 0 | 0 |

☐ Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).

☐ Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

| ESTIMATED NET EFFECT ON LOCAL FUNDS | | | |
|--|------------|------------|------------|
| FUND AFFECTED | FY 2014 | FY 2015 | FY 2016 |
| Local Government | \$0 | \$0 | \$0 |

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Public Safety - Missouri Highway Patrol, Office of the State Courts Administrator, Department of Corrections, and Office of the State Public Defender** each assume the proposal would not fiscally impact their respective agencies.

Officials from the **Department of Social Services - Division of Youth Services (DYS)** state the proposal provides that if a youth is certified to be prosecuted under the general law, the jurisdiction of the juvenile court is forever terminated only where the prosecution results in a conviction thus eliminating cases where juveniles are certified yet charges are never filed or where a certification takes place, charges are filed but are later dismissed. This change would allow youth who were certified but never charged and youth who were certified, charged and later the charges were dismissed the ability to regain their juvenile status as it relates to criminal matters.

In addition, this bill broadens the age of eligibility for consideration of dual jurisdiction from seventeen years of age to seventeen years and six months of age in matters where youth have been transferred to a court of general jurisdiction and whose prosecution results in a conviction or a plea of guilty.

This bill also requires the court to make findings on the record as to why the Division of Youth Services (DYS) was not appropriate for the offender in matters where the court has, a) considered dual jurisdiction, b) ordered the assessment from DHS, c) DHS has agreed to accept the youth, and d) the court does not impose a juvenile disposition.

Broadening the age of eligibility for dual jurisdiction consideration would allow opportunities to some certified youth who, but for the length of time their cases take to achieve resolution (often longer than standard adult prosecutions), would have been eligible.

While it is difficult to anticipate judicial behavior related to these matters, it is probable that enactment of this legislation would cast a broader net and increase the utilization of dual jurisdiction programming by the courts. Critical elements of the original legislation remain in place that would allow DHS to evaluate candidates for appropriateness and effectively manage resources available for dual jurisdiction programming. Therefore, DHS expects no fiscal impact from this proposed legislation

In response to the previous version of this legislation, officials from the **Office of Prosecution Services** assumed the proposal would not fiscally impact their agency.

| <u>FISCAL IMPACT - State Government</u> | FY 2014 (10 Mo.) | FY 2015 | FY 2016 |
|---|---------------------|------------|------------|
| | <u>\$0</u> | <u>\$0</u> | <u>\$0</u> |

| <u>FISCAL IMPACT - Local Government</u> | FY 2014 (10 Mo.) | FY 2015 | FY 2016 |
|---|---------------------|------------|------------|
| | <u>\$0</u> | <u>\$0</u> | <u>\$0</u> |

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

FISCAL DESCRIPTION

The proposed legislation appears to have no fiscal impact.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of the State Courts Administrator
Department of Social Services
Department of Public Safety
Department of Corrections
Office of Prosecution Services
Office of the State Public Defender



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Acting Director

L.R. No. 0165-04
Bill No. Truly Agreed To and Finally Passed CCS for SCS for SB 36
Page 5 of 5
May 29, 2013

May 29, 2013

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